

**NIQA****UNITED STATES COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA****DARLENE MARSHALL-LEE**

442 E. Howell St.

Philadelphia, PA 19120

Plaintiff,

v.

**U.S. DEPARTMENT OF VETERANS  
AFFAIRS**

120 Le Brun Rd.

Buffalo, NY 14215

Defendant.

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No.

**18****2333****PLAINTIFF'S COMPLAINT IN CIVIL ACTION****I. PRELIMINARY STATEMENT**

1. This action is brought under 28 U.S.C. §1346 to recover for personal injuries arising from an accident that occurred at the Philadelphia VA Medical Center ("VA") located at 3900 Woodland Avenue in Philadelphia, which is owned and/or operated by the Defendant. On June 2, 2015, the Plaintiff, 54 years-old at the time, was accompanying her husband to an appointment at the VA when she went to board an elevator. As she was entering the elevator, the doors began closing and did not stop on contact, pinning the Plaintiff. She was able to free herself eventually but not without sustaining injuries as set forth in further detail below.

**II. JURISDICTION**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1346.

**III. PARTIES**

3. Plaintiff Darlene Marshall-Lee is an adult individual with an address for service as captioned above.

4. Defendant U.S. Department of Veterans Affairs is an agency of the United States Federal Government with an address for service as captioned above.

#### **IV. FACTUAL ALLEGATIONS**

5. On June 2, 2015, Plaintiff Darlene Marshall-Lee was rightfully within the Philadelphia VA Medical Center owned and/or operated by the Defendant, when she went to board an elevator.

6. As she entered the elevator, the doors closed on the Plaintiff and did not open upon making contact with her, pinning her between the doors and requiring her to force her way out from between them.

7. As a result of this incident, Plaintiff suffered bodily injuries as set forth in further detail below.

#### **V. CLAIMS FOR RELIEF**

##### **COUNT I**

##### **Darlene Marshall-Lee v. U.S. Department of Veterans Affairs Negligence / Vicarious Liability**

8. Plaintiff hereby incorporates all preceding paragraphs as though same were set forth at length hereafter.

9. Defendant U.S. Department of Veterans Affairs was at all times relevant to the events described above the owner and/or operator of the Philadelphia VA Medical Center, and was responsible for the inspection, maintenance, and repair of the elevators therein to ensure that they were safe for the use of individuals within the VA.

10. Defendant U.S. Department of Veterans Affairs was at all times relevant to the events described above acting through its employees, agents, and/or

representatives, and is properly chargeable with vicarious liability for the acts and/or omissions of same.

11. Defendant's employees, agents, and/or representatives failed to inspect, maintain, and/or repair the elevator which Plaintiff boarded on June 2, 2015 so as to keep it in proper working order and safe for the use of individuals at the VA.

12. As a result of Defendant's negligence, Plaintiff suffered injury including, without limitation, right shoulder strain/sprain/contusion with persistent pain.

13. As a result of Plaintiff's injuries, she has required substantial medical treatment and incurred financial expenses related to same.

14. As a result of Plaintiff's injuries, she has incurred pain, suffering, inconvenience and discomfort.

#### **VI. PRAYER FOR RELIEF**

**Wherefore**, Plaintiff respectfully requests compensatory economic and non-economic damages in the amount of \$18,000, as well as such other relief as this Honorable Court may deem appropriate.

Respectfully Submitted,

By: 

Benjamin J. Simmons, Esq.  
I.D. No. 314855

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